(1)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

W.P.NO. 1321 /2004

PETITIONER : BELLISS INDIA LIMITED. Through its Deputy Company Secretary, Mr. Samir Bhadra, 6, Little Russell Street, 3rd Floor, Kolkata – 700 071

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department Revenue, D.K.S. Bhawan, Raipur (C.G.)

2. Managing Director, M.P. Audhyogik Kendra Vikas Nigam, Raipur Ltd., B-4, MR Colony, Shailendra Nagar, Raipur (C.G.)

3. General Manager, Chhattisgarh State Industrial Development Corporation Limited, B-4, M.R.Colony, Shailendra Nagar, Raipur (C.G.)

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION (S) IN THE NATURE OF WRITS.

(03)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1321 / 04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.7.2004

Petitioner by Shri Ashok Patil, Advocate.

State by Shri N.K.Agrawal, Deputy Advocate General.

Heard on admission.

The petitioner has filed this petition under Article 226/227 of the Constitution of India, being aggrieved by the order dt.2.5.2003 passed by the General Manager, Chhattisgarh State Industrial Development Corporation Limited, Raipur whereby the General Manager refused to give extension of time granted by Vice-President in his order dated 27.12.02.

The brief facts leading to filing of this writ petition are that the petitioner herein applied for allotment of a plot in the Industrial Area Urla, District- Raipur and in response to his application a plot admeasuring approximately 304000 square feet (6.98 acre) was allotted to him. In terms of the agreement dated 1st July, 1991 the petitioner paid the premium of Rs. 7,06,079/- and annual rent of Rs. 17,652/- and he also deposited other amounts as mentioned in para-2 of the lease agreement. However, the petitioner failed to set up the industry as per the agreement therefore his lease was cancelled vide order dated 21.10.1999 (Annexure P/2) by the Managing Director of the then Madhya Pradesh Industrial Development Corporation Ltd.; against which the petitioner herein preferred an appeal before the Vice President, Chhattisgarh State Industrial Development Corporation Ltd., Raipur. Vide order dated 27.12.2002 (Annexure P/11) the Vice

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(१५)

आदेश पत्रक

मामला क्रमांक W.P.No.1321/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

President suspended the implementation of the order dated 21.10.1999 imposing 6 conditions. Even thereafter the petitioner failed to comply with those conditions and he moved before the General Manager for extension of time. Under the impugned order the General Manager refused to extend the time and mentioned that before the Appellate Committee the representative of the petitioner gave his assurance for implementation of the conditions but he failed to comply with, as such no time can be extended.

Having heard learned counsel for the petitioner I have perused the lease deed and other documents available in the record. As per the agreement the petitioner was to set up the industry within three years from the date of execution of the agreement dated 1.7.1991 and even after lapse of a period of 13 years the petitioner has failed to set up the Industry and even within the time which was granted by the Vice President to him in appeal that too on the request of the petitioner, he has not been able to comply with the conditions imposed by the Vice President. In the circumstances I do not find any substance in the petition as the petitioner is not able to make out the case for exercising the extra ordinary jurisdiction under Article 226/227 of the Constitution of India.

In the result, the petition fails and it is dismissed at the admission stage.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये